

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

VAUGHN KELLY, SR.

PLAINTIFF

V.

CIVIL ACTION NO.: 3:24-cv-11-MPM-JMV

**KROGER LIMITED PARTNERSHIP I,
CAC OPERATIONS LLC,
AND NOLAN BOOTH**

DEFENDANTS

ORDER AMENDING CASE MANAGEMENT ORDER

This matter is before the Court to amend the case management order to allow the additional period of limited discovery ordered by the District Judge in this matter. [Dkt. 164]. Briefly, by way of procedural background, Plaintiff filed his complaint in this case on January 10, 2024. [Dkt. 1]. On April 12, 2024, this Court set out a Case Management Order setting the Discovery Deadline to October 15, 2024. [Dkt. 37]. The discovery period was subsequently extended to November 15, 2024, on an unopposed motion from the Plaintiff. [Dkt. 77]. Dispositive motions were due by December 16, 2024., and the trial of the case was set for May 19, 2025. [Dkt. 38, 77]. A Final Pretrial Conference, in anticipation of the upcoming trial date was held on April 16, 2025, and a Final Pretrial Order was entered on May 1, 2025. [Dkt. 154, 163].

On May 15, 2025, District Judge Mills, having recently taken up a motion in limine filed by the defendant [Doc. 143], *sua sponte* continued the trial date and ordered that the undersigned set out an additional period of limited discovery consistent with his order. [Dkt. 164]. On May 16, 2025, the undersigned held a status conference with the parties wherein by noon on May 21, 2025, they were directed to submit via email a proposal outlining the scope and timing of the reopened limited discovery period. [Dkt. 167]. Each party submitted a proposal attached here as collective Exhibit 1. The undersigned declines to adopt any one of the proposals as none are entirely consistent with the directive of District Judge Mills in his May 15, 2025 Order [Dkt. 164]. Instead,

a more compliant schedule and scope for the limited discovery pursuant to the May 15,2025, Order is as follows:

The discovery period will be extended so as to expire 90 days from the date of this order with the right to move for additional time should circumstances warrant it, and the moving party has not engaged in dilatory delay.

The scope of discovery will be limited to the towing and business practices of CAC Operations LLC and/or its employees from April 1, 2020, to December 31,2023 and any criminal or civil actions or penalties and imposed since April 1,2020 to the present as a result of the foregoing towing and business practices. Each party may serve no more than 12 interrogatories, 12 requests for production, and 12 requests for admission. Each party may depose up to 2 fact witnesses; conduct one 30(b)(6) deposition and serve 2 non-party subpoenas -- limited, in each event, to the scope of the additional discovery described above.

IT IS, THEREFORE, ORDERED that the discovery period will be reopened as outlined above.

SO ORDERED, this the 22nd day of May, 2025

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE